

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.388 of 2018

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Rudra Nand Singh, Son of Shri Ramanuj Singh, Resident of Village-Nimaithi,
near Masjid, P.S.-Bahari District-Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies
Department, Bihar, Patna
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga
4. The District Supply Officer, Darbhanga
5. The Sub Divisional Magistrate, Sadar, Darbhanga
6. The Block Supply Officer, Baheri Block, Baheri Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha

For the Respondents : Mr. S. Raza Ahmad- AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:

*“(i) For issuance of an appropriate writ/s, order/s,
direction/s for quashing order dated 10.12.2016 passed
by respondent no. 5 as contained in Memo No. 963
(Supp.) whereby and under the PDS License of the
petitioner bearing no. 3/11 has been suspended in
purported exercise of power given under Rule 28 of
Public Distribution System (Control) Order, 2016;*

*(ii) For issuance of an appropriate writ/s, order/s,
direction/s to restore the License of PDS shop bearing
no. 3/11 which was allotted to the petitioner being the*



Chairman of PACS, Nimaithi, Block Baheri;

(iii) To pass such other order/s as your Lordships may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the petitioner invites attention to the impugned order dated 10.12.2016 according to which the petitioner's PDS license has been suspended on the ground that an F.I.R. bearing Baheri P.S. Case No. 219 of 2016 has been instituted against him under Section 7 of the Essential Commodities Act. It is submitted that such action is wholly contrary to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, which provision reads as follows:

"28. Actions to be taken against a licensee after a F.I.R. lodged.- If an F.I.R. is lodged against a licensee under the Essential Commodities Act, 1955 or for any other criminal cases and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible."

4. It is pointed out that even though the order of suspension has been passed as far back as on 10.12.2016, no show cause notice thereafter for taking any lawful action against him has been served even after lapse of more than 180 days, as contemplated under Rule 28 aforesaid.

5. Learned counsel for the respondents appears and has been



heard.

6. In the above matter, the writ petition stands allowed and the impugned order of suspension dated 10.12.2016 (Annexure-2) is hereby quashed.

7. Supplies to the petitioner shall be restored without delay.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

